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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,689	01/05/2004	Masayuki Yamamoto	SIMTEK6845	1688
25776	7590	06/02/2005	EXAMINER	
ERNEST A. BEUTLER, ATTORNEY AT LAW 10 RUE MARSEILLE NEWPORT BEACH, CA 92660			SWARTHOUT, BRENT	
			ART UNIT	PAPER NUMBER
			2636	
DATE MAILED: 06/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/707,689	<b>Applicant(s)</b> YAMAMOTO ET AL.	
	<b>Examiner</b> Brent A. Swarthout	<b>Art Unit</b> 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6-4-04</u> . | 6) <input type="checkbox"/> Other: ____.  |

Art Unit: 2636

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

a. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yano (EP 0685620).

Yano discloses a key operated vehicle antitheft device with key 5 with transmitter 7 and vehicle coil 20 and tumbler and key opening (Fig. 14), wherein the coil 20 is spaced from any ferromagnetic portion of the an antitheft device in the direction from which the key is inserted into the key opening .

As shown in Fig. 14, the tumbler, coil and circuit could be formed in a common unit.

Regarding claim 3, Yano teaches vehicle immobilization (col.11, lines 32-42).

Regarding claim 4, Yano teaches use of threaded opening for screw attachment (Fig. 14).

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Spahn et al. Spahn teaches a key operated vehicle antitheft device comprising key 11 with transponder, key opening 55, tumbler 21, coil 43, the coil being spaced from ferromagnetic portion of the vehicle antitheft device in the direction of key insertion (Fig. 4, col. 5, lines 54-67).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

b. Claims 2,3,6,7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spahn et al.

Spahn discloses all the claimed limitations, except for specifically stating that the coil, tumbler and circuit are in a common unit as set forth in claim 2.

Since Spahn teaches connecting coil 43, tumbler 21 and circuit 45, choosing to have these elements in a single unit would have been obvious to one of ordinary skill in the art, in order to make installation of the vehicle antitheft system more convenient.

Regarding claim 3, since Spahn only unlocks locking means 33 when transmitted information matches (col.5, line 47), the system would have performed the function of an immobilizer.

Regarding claims 7-8, circuit 45 is on a board contained in a portion of housing 51 projecting near key opening (Fig. 3).

4. Claims 4,5,9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spahn et al. in view of Mizuno et al. (043).

Mizuno discloses desirability of attaching a key assembly cover to a tumbler mechanism using a threaded screw (Fig. 2).

It would have been obvious to attach a key assembly coil with a threaded screw as suggested by Mizuno in a vehicle antitheft device as disclosed by Spahn, in order to ensure that the coil device remained securely attached to a locking mechanism.

Regarding claim 9, choosing to use two threaded screws would have been obvious in order to hold the housing more securely to the locking mechanism.

Regarding claim 10, use of a resin material for the housing would have been obvious due to its easy deformability and low cost.

5. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spahn et al. in view of Mizuno et al. (043) and Suda et al.

Suda teaches desirability of using a transponder equipped key with a coil near a lock cylinder in order to prevent theft of a motorcycle, by at least partially disabling the steering mechanism (page 1, paragraph 4).

It would have been obvious to use the antitheft system as disclosed by Spahn and Mizuno in conjunction with a motorcycle steering immobilization system as disclosed by Suda, in order to prevent motorcycle theft, while still enabling easy installation of the antitheft device.


6. Claims 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fukamachi, Yamamoto, McConnell, Enoyoshi and Mizuno (028) disclose antitheft key devices.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A. Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Brent A Swarthout  
Examiner  
Art Unit 2636

**BRENT A. SWARTHOUT  
PRIMARY EXAMINER**